

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, June 30, 2014

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Rick Stup, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Bob Shrum, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9 am by Chairman Zimmerman.

1. Decision Required: Transfer

TRANSFER FROM:

RE: Clayton J. Bennett, Kerri A.
Ingham and James P. Lamers
for the use of Cluster Spires
Brewery Group t/a Barley
and Hops Grill & Microbrewery
5473 Urbana Pike
Frederick, MD 21703
Class B, On Sale, Beer, Wine & Liquor
Microbrewery
CR #11231637

TRANSFER TO:

RE: Lori Lee Keough
for the use of 5473 Restaurant
Group
t/a Barley and Hops Grill &
Microbrewery
5473 Urbana Pike
Frederick, MD 21703
Class B, On Sale, Beer, Wine & Liquor
Microbrewery

Ms. Vahle swore in the applicants (See Sign In Sheet). Pending items are: Taxes, Bulk Transfer Affidavit, Bulk Transfer Permit. Mr. Brooks stated the tax issue would be resolved within the next 30 days and the Affidavit is being signed. Inspector DeLauter stated they are compliant.

MOTION: Mr. Stup made a motion for a Conditional Approval until July 28th, 2014.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

2. Decision Required: New

RE: Melissa Ann Matthews
Hernandez for the use of
Pit Boss MSF Inc.
t/a Black Hog BBQ III
221 A Shorebird St.
Frederick, MD 21701
Class B, On Sale, Beer and Light Wine

Ms. Vahle swore in the applicant (See Sign In Sheet). The pending items are: the Occupancy Permit, Fire Marshal, Health Department, the final Retail Sales Tax license, the Workers Comp and the Inspector's Report. This establishment is still under construction and the owner is hoping to be open on August 4, 2014. He also asked about an outside patio and presented a diagram and Ms. Vahle instructed him to fill out a patio form.

MOTION: Mrs. Hays made a motion for a Conditional Approval until September 8, 2014.

SECOND: Mr. Stup seconded the motion with the approval of the outside area.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

3. Decision Required: Transfer

TRANSFER FROM:

RE: D. David Daniel, Phillip Oliveri
and Frederick Procter for the
use of Maryland Convenience
Company t/a Frederick Getgo
1000 W Patrick St.
Frederick, MD 21703
Class A, Off Sale, Beer and Light Wine

TRANSFER TO:

RE: D. David Daniel, Carl T.
Munyon and
Frederick G. Procter for the
use of Maryland Convenience
Company t/a Frederick Getgo
1000 W Patrick St.
Frederick, MD 21703
Class A, Off Sale, Beer and Light Wine

The Board previously approved a Power of Attorney for Mr. Procter. Mr. Stup stated that Mr. Procter's wife is directly involved with the care of his Mother and does not feel that there is a conflict with hearing the application for this license. Ms. Vahle swore in the applicants (See Sign In Sheet). There were no pending items. Inspector Shrum stated they are compliant.

MOTION: Mrs. Hays made a motion to approve the transfer.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

4. Decision Required: Transfer

TRANSFER FROM:

RE: Rafat Izadi for the use of
Nido's Downtown Inc.
t/a Nido's Little Italy
Restaurant
111 E Patrick St.
Frederick, MD 21701
Class B, On Sale, Beer and Light Wine
Wine Corkage

TRANSFER TO:

RE: Lianne Delawter and Stig
Von Post for the use of
Lenido Inc.
t/a Lenido
111 E Patrick St.
Frederick, MD 21701
Class B, On Sale, Beer and Light Wine
Wine Corkage

Ms. Vahle swore in the applicants (See Sign In Sheet). The pending item is: the Bulk Transfer. There is also an outside area application which was approved before for the former owner. Mr. Von Post stated the Bulk Transfer had been approved and will be mailed out. Inspector Shrum stated they are compliant.

MOTION: Mr. Stup made a motion for a Conditional Approval for July 28th, 2014 and approval of the outside area.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

5. Decision Required: New

RE: William Reid Heyser for
the use of
Trikala Corp. Inc.
t/a Mamma Lucia
1700 Kingfisher Dr.,
Suite 13
Frederick, MD 21701
Class B, On Sale, Beer, Wine & Liquor
Wine Corkage

Ms. Vahle swore in the applicant (See Sign In Sheet). Mrs. Thall was given the notarized statement by the applicant with regard to the extension of his taxes. The 2013 tax return will be submitted by October 20, 2014. There were no other pending items. Inspector Shrum stated they are compliant.

MOTION: Mr. Stup made a motion to waive the policy for requiring two years tax returns and to approve the new license.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

6. Decision Required: New

RE: Jian Ye, Lilly Wen Ye
and Chiak Fwan Lee

Modern Asia LLC
t/a Modern Asia Bar &
Restaurant
1306 W Patrick St.
Unit 8&9
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See Sign In Sheet). The pending items are: the Occupancy Permit, the Fire Marshal, the Health Department, Retail Sales Tax License and the Inspector's Report. The establishment is still under construction and the applicant would like to open by July.

MOTION: Mr. Stup made a motion for a Conditional Approval for July 28th, 2014.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

7. Decision Required: Transfer

TRANSFER FROM:

RE: Jarrett Walsh for the use of
TR LTD
t/a The Tasting Room
101 N. Market St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

TRANSFER TO:

RE: Aaron Matthew Neider
for the use of
TR LTD
t/a The Tasting Room
101 N. Market St.
Frederick, MD 21701

Class B, One Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicant (See Sign In Sheet). There were no pending items. Inspector Shrum stated they are in compliance.

MOTION: Mrs. Hays made a motion to approve the transfer.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

8. Decision Required: Continuation from 6-2-14

RE: Min Kim and Dylan Schwab
for the use of MJ Vision LLC
t/a FSK Miyako
5500 Buckeystown Pk. #615
Frederick, MD 21703

Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See Sign In Sheet). This application was originally heard on June 2, 2014. When the Board learned that the business had been sold, the Board instructed the applicants to bring the license in and start the process all over again with a new application. During the time there was no license, Inspector DeLauter found they continued to sell without the license. The new application also needed correction and has been corrected. Mr. Stup stated he was absent at the first Hearing on June 2, but has reviewed the testimony of Mr. Kim in order to take action on this application. Mr. Kim is also on the license for Cave Town Liquors as of 2009. Ms. Vahle did a background check and found there was a violation in May 2009 for a Sales to a Minor and was given a \$400 fine. Chairman Zimmerman asked if Mr. Kim was aware of the violation, and Mr. Kim stated he was

not aware of the violation and was in school abroad at that time. Chairman Zimmerman stated he was still concerned about the alcohol being served without a license in this restaurant after the Inspector told him to remove the alcohol and it was not removed. Mr. Kim stated the alcohol had been removed. Mr. Stup stated he would grant the license under a condition of probation. They will be brought in if there are any further violations until renewal of license and the licensee could be subject to sanctions, including revocation of the license. Mr. Kim stated he would be in agreement with that.

MOTION: Mr. Stup made a motion to approve the license with a condition of probation until it is renewed.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

9. Decision Required: Reconsideration

RE: Martin Schipper for the use of
Shri Yamunaji, LLC
t/a Town Center Spirits &
Wine
11324 Fingerboard Rd.
Monrovia, MD 21770
Class A, Off Sale, Beer, Wine and Liquor,
Sunday permit

Mr. Schipper did not appear for his Reconsideration Hearing on April 14, 2014. Ms. Vahle stated she sent another request to Mr. Schipper and he did respond saying he would be here today. He is not in attendance at this Hearing.

MOTION: Mrs. Hays made a motion to deny the reconsideration of the denial of the previous request to move to another location.

SECOND: Mr. Stup seconded the motion with the understanding that the license will go to the next applicant in line.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Ayes – 3 Nay – 0**
(Motion Passed)

Chairman Zimmerman stated the next applicant on the list is Mr. and Mrs. Doll. Ms. Vahle stated they will have to submit an application and a public hearing will be scheduled.

10. Decision Required: Approval of the Meeting Minutes for April 14, May 5, May 12, May 14 and June 2, 2014. Mrs. Hays stated there was a correction for the 2nd paragraph on the April 14th Minutes. Her last name was spelled wrong and the sentence said a “Unanimous Vote” and it should state the vote was “2 Ayes and 1 Nay”.

MOTION: Mrs. Hays made a motion to approve the Meeting Minutes for April 14, May 5, May 12, May 14 and June 2, 2014 as submitted with the correction.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

11. **Lallo’s Pizza** – Ms. Vahle stated she had two requests: one from Lallo’s on Willowdale Drive and one from Lallo’s on Jefferson Pike. Both of them want to add a pool tables. They did provide

diagrams. They will have to obtain all permits and the Inspector's approval. Also the location in Knoxville they put the pool table in without the approval of the Board. Inspector DeLauter told them they could not use the pool table and they locked the door. Inspector Shrum will have to check out the Willowdale Drive location to see if they put in the pool tables without approval when he inspects the location.

MOTION: Mr. Stup made a motion to approve the Knoxville request to be used as a pool room only. Also, the Violation Fine must be paid prior to the issuance of the approval.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup - Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye - 3 Nays - 0**
(Motion Passed)

MOTION: Mr. Stup made a motion for a conditional approval of the Willowdale Drive request pending the Inspector's inspection. Also if a pool table is found, that the fine be paid before approving.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup - Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye - 3 Nays - 0**
(Motion Passed)

12. **No Contest Letters** – Mrs. Bussard stated that three establishments were sent a letter and have licensees who are out of

the country and cannot sign. She has made several attempts to contact these licensees. Ms. Vahle asked the Board if they would accept the document without the signatures. They have paid their fines. The Board agreed they will allow the documents without the signatures.

The Board adjourned the Public Meeting to return to the administrative function meeting at 10:14AM.

ADJOURN

The meeting was adjourned at 10:14 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees